

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0031  
Kaleidoscope Village

**P.C. DATE:** May 24, 2016

**ADDRESS:** 6314 FM 969 and 6307 Parliament Drive

**AREA:** Tract 1: 6.0730 Acres  
Tract 2: 0.8974 Acres

**DISTRICT:** 1

**OWNER/APPLICANT:** KV Creations LP (Clifford May)

	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b><u>TRACT 1:</u></b>	SF-6-NP, LR-MU-NP, and LR-NP	MF-2-NP
<b><u>TRACT 2:</u></b>	LR-NP, SF-6-NP	LR-MU-NP

**NEIGHBORHOOD PLAN AREA:** East MLK Combined Neighborhood Planning Area (MLK-183)

**TIA:** Not Applicable

**SCENIC ROADWAY:** No

**WATERSHED:** Walnut Creek

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request of Multifamily-Low density-Neighborhood Plan (MF-2-NP) zoning for Tract 1 and Neighborhood commercial-Mixed use-Neighborhood Plan (LR-MU-NP) combining district zoning for Tract 2.

**ISSUES:**

A large drainage easement is located on the northern portion of the property. The easement includes drainage control structures, a branch of Walnut Creek, and 100-year floodplain. The 2.405 acre drainage easement significantly reduces the developable area of Tract 1 (from 6.073 acres to 3.668 acres), and precludes vehicular access to Parliament Drive. Bicycle and pedestrian access to Parliament Drive is recommended and may be required at time of site plan. Feasibility of bike/ped access in this location cannot be determined without a completely engineered site plan and a full engineering review, and therefore cannot be required until time of site plan. Please refer to Exhibits A and B (Subdivision Plat and Aerial View).

**PLANNING COMMISSION RECOMMENDATION:**

May 24, 2016:

**DEPARTMENT COMMENTS:** The subject property is located on the north side of FM 969 east of Ed Bluestein Boulevard and the Cavalier Park residential neighborhood. The property is undeveloped except for a large detention pond in the northern portion of the property. The subject property is composed of two tracts, and these tracts have multiple zoning categories crossing their boundaries. Tract 1 is located adjacent to FM 969 and is primarily zoned LR-NP, with a small piece of SF-6-NP at the northern edge. Tract 2 is located north of Tract 1 and is primarily zoned SF-6-NP. Tract 2 also has small portions of LR-MU-NP, and LR-NP.

Surrounding zoning and land uses include SF-2-NP and SF-3-NP zoning to the north and west, where the Cavalier Park residential neighborhood is located. To the east is an undeveloped LI-PDA-NP tract. Beyond that tract is the

Walnut Creek Greenbelt. Immediately south of the rezoning tract is a small piece of undeveloped land zoned GO-MU-NP that is owned by the Applicant, as well as a church that is zoned GO-NP. Across FM 969 are several undeveloped tracts, as well as a church and a convenience store. These properties are a mix of CS-CO-NP, W/LO-CO-NP, and LR-NP. Please refer to Exhibit C (Zoning Map).

The Applicant is proposing a mixed use development that will include multifamily residential on Tract 2. The project will incorporate Tract 1, Tract 2, and the adjacent GO-MU-NP property adjacent to the church. The proposed development would include approximately 45 to 50 residential units. In 2008, a Smart Housing project was approved for Tract 2 only, which was zoned SF-6-NP (City File # SP-2007-0228C.SH). Tract 1 was not included in the site plan. The duplex project was approved for 36 residences and a “common building” on Tract 2; however, the site development permit expired in 2011.

Staff supports the rezoning request because the proposed rezoning reflects a similar development to what was previously approved, while adding more housing and commercial opportunities. By adding the –MU designation to Tract 1 and increasing the overall project area, retail and commercial services will be required along FM 969, as well as increased design standards.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-6-NP, LR-MU-NP, LR-NP	Undeveloped, Drainage structure
<i>North</i>	SF-2-NP, SF-3-NP	Single family residential
<i>South</i>	GO-MU-NP, GO-NP, CS-CO-NP, W/LO-CO-NP, LR-NP	Undeveloped, Religious assembly, Convenience store
<i>East</i>	LI-PDA-NP	Undeveloped
<i>West</i>	SF-2-NP, LR-MU-NP	Single family residential, Undeveloped

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-06-0173	GO-NP to GO-MU-NP	10/24/2006: Approved GO-MU-NP	12/14/2006: Ord #20061214-066 Approved GO-MU-NP
C14-2007-0058-SH	LR-NP to LR-MU-NP	6/12/2006: Approved LR-MU-NP	6/21/2007: Ord # 20070621-131 Approved LR-MU-NP

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
FM 969	97'	68'	Major Arterial	Yes	Yes	Yes
Parliament Drive	50'	27'	Local	Yes	No	No

**SCHOOLS:**

Norman Elementary School

Girls have an option to attend the Sadler Means Young Women's Leadership Academy.

Boys have an option to attend the Garcia Young Men's Leadership Academy.

LBJ High School

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council

Cavalier Park Neighborhood Association

Homeless Neighborhood Association

Claim Your Destiny Foundation

East MLK Combined Neighborhood Contact Team

East MLK Combined Neighborhood Association

Heritage Village of Austin Home Owner's Association

FRS Property Owners Association

AISD

Del Valle Community Coalition

Friends of Austin Neighborhoods

Austin Heritage Tree Foundation

Sierra Club, Austin Regional Group

SELTexas

Bike Austin

**CITY COUNCIL DATE & ACTION:** June 16, 2016

**ORDINANCE READINGS:** 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>      **ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin

**PHONE:** 512-974-2122

e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**SUMMARY STAFF RECOMMENDATION:**

Staff supports the Applicant's request of Multifamily-Low density-Neighborhood Plan (MF-2-NP) zoning for Tract 1 and Neighborhood commercial-Mixed use-Neighborhood Plan (LR-MU-NP) combining district zoning for Tract 2. Bicycle and pedestrian access to Parliament Drive is recommended and may be required at time of site plan. Feasibility of bike/ped access in this location cannot be determined without a completely engineered site plan and a full engineering review, and therefore cannot be required until time of site plan. Staff supports the rezoning request because the proposed rezoning reflects a similar development to what was previously approved, while adding more housing and commercial opportunities. By adding the –MU designation to Tract 1 and increasing the overall project area, retail and commercial services will be required along FM 969, as well as increased design standards.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired. This location is near residential and the large drainage easement makes dense residential development difficult to achieve. The –MU designation on Tract 1 will make retail and commercial services required along FM 969, as well as increase design standards.

2. *Zoning should allow for reasonable use of the property.*

MF-2 and the –MU designation will allow design flexibility for this constrained site. The property is an unusual shape and contains a 2.405 acre drainage easement which both affect layout. Adding these to the base requirements of compatibility to the west and north greatly reduce achievable density.

3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

Adding multifamily units meets the community goal of increasing the City's housing stock and providing a variety of housing types in the area.

**ADDITIONAL STAFF COMMENTS**

**Site Plan:**

SP1 Site plans will be required for any new development other than single-family or duplex residential.

SP2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP3 The site is subject to compatibility standards. Along the northeast and northwest property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

SP4 The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allow that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

### **Comprehensive Planning:**

The subject property is located within the boundaries of the East MLK Combined Neighborhood Planning Area, in the MLK-183 Neighborhood Planning Area. The Future Land Use Map identifies this Mixed Use (along the road) and Mixed Residential (deeper into the property). The Mixed Residential Land Use Category supports a variety of different housing types in one area, including single-family residential, townhouses, duplexes, and apartments. The Mixed Use Land Use Category is defined as an area appropriate for a mix of residential and non-residential uses.

The following East MLK Plan policies and text are applicable to this request, including text and recommendation taken from the East MLK design guidelines: Ensure compatibility and encourage adjacent land uses to complement each other. The Guidelines may indicate a neighborhood's preference for increasing or decreasing the occurrence of certain types of land uses. Examples of this are as "encouraging more owner-occupied residential units" or "encouraging more nearby small-scale retail or grocery stores." Creating easily accessible areas of mixed-use and neighborhood-oriented services can also minimize the need for residents to travel by car to get goods and services needed on a day-to-day basis.

Goal One - Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.

Objective 1.1: Maintain single-family zoning in established residential areas.

Objective 1.2: Promote new infill housing in appropriate locations.

Goal Five - Provide housing that helps maintain the social and economic diversity of residents.

Objective 5.1: Allow a mix of residential types on larger tracts having access to major roadways.

Objective 2: Design multi-family residential projects to be compatible with adjacent single-family areas.

Action 66 - Allow neighborhood commercial/mixed use along FM 969.

Action 68 - Allow mixed residential on the large vacant tracts east of the Cavalier Park subdivision.

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this portion of FM 969 as being located along an Activity Corridor. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin Policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.



- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

**Transportation:**

- TR1. If the requested zoning is granted, it is recommended that access to Parliament Drive be prohibited as a condition of zoning because of the drainage easement in the northern section of the property.
- TR2. Bicycle and pedestrian access to Parliament Drive is recommended and may be required at time of site plan.
- TR3. FYI - Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR4. A traffic impact analysis may be required at the time of site plan. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142].
- TR5. A conditional overlay limiting trips is NOT recommended.
- TR6. The site is adjacent to the proposed FM 969 Urban Trail. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR7. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a shared use path is recommended for FM 969.
- TR8. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
FM 969	97'	68'	Major Arterial	Yes	Yes	Yes
Parliament Drive	50'	27'	Local	Yes	No	No

**Environmental:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

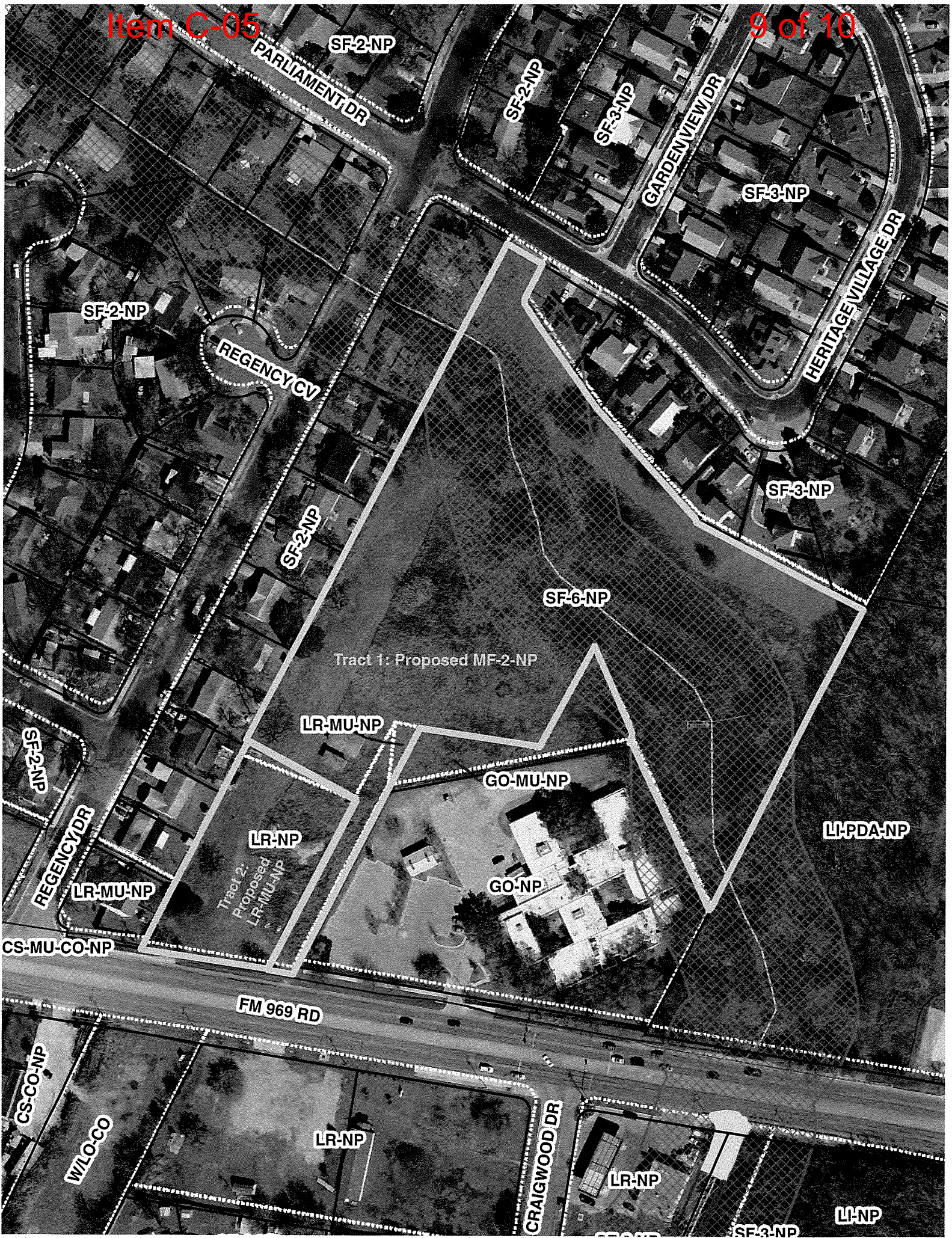
3. According to floodplain maps there is a Critical Water Quality Zone and a floodplain within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

**Water/Wastewater:**

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.







PARLIAMENT DR

SF-2-NP

SF-2-NP

SF-3-NP

GARDENVIEW DR

SF-3-NP

HERITAGE VILLAGE DR

SF-3-NP

REGENCY CV

SF-2-NP

SF-2-NP

SF-6-NP

Tract 1: Proposed MF-2-NP

LR-MU-NP

LR-NP

Tract 2: Proposed LR-MU-NP

GO-MU-NP

GO-NP

LI-PDA-NP

REGENCY DR

LR-MU-NP

SF-2-NP

CS-MU-CO-NP

FM 969 RD

CS-CO-SS

WILCO

LR-NP

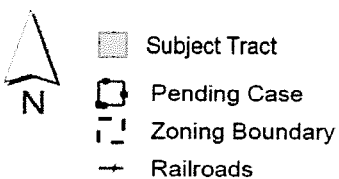
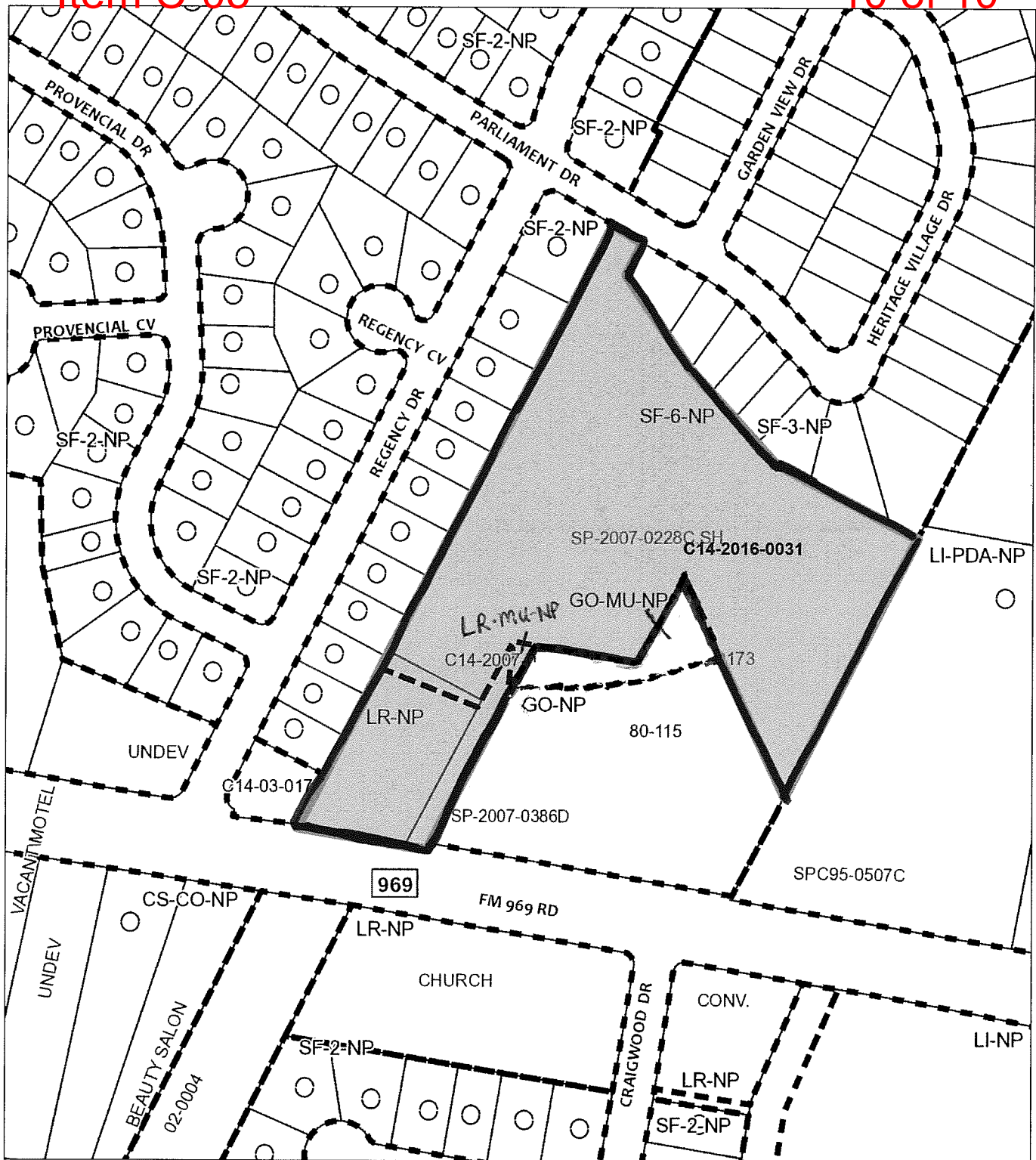
CRAIGWOOD DR

LR-NP

SF-3-NP

LI-NP





100 200  
Feet

1" = 200'

## ZONING

ZONING CASE#: C14-2016-0031



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